IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

LA.App.No. 260 of 2005

LAR.29/1996 of SUB COURT, PALAKKAD.
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APPELLANT/RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER

RESPONDENTS/CLAIMANT & ADDL. RESPONDNET NO.2 IN LAR
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1. **SADASIVAN, S/O.LATE KRISHNAN, MANIKKANCHALLAYIL, PUDUSSERY, CENTRAL VILLAGE, PALAKKAD.**

2. **KERALA STATE INDUSTRIAL INFRASTRUCTURE DEVELOPMENT CORPORATION BY MANAGING DIRECTOR, G.C.GOPALA PILLAI, VELLAYAMBALAM, THIRUVANANTHAPURAM.**

BY ADV. SRI. BINOY VASUDEVAN
SRI. G.S. REGHUNATH

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 29/10/2007, ALONG WITH LAA. 289/2005 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NOs. 260, 289, 294 & 363 OF 2005

Dated this the 29th day of October, 2007.

J U D G M E N T

Kurian Joseph, J.

These are appeals filed by the State aggrieved by the fixation of land value in respect of acquisition for the purpose of KINFRA.

2. It is seen that against the fixation of land value by the Land Acquisition Officer at the rate of Rs. 567/- per cent (dry land) and Rs. 350/- per cent (wet land), the reference court has fixed Rs. 850/- and Rs. 750/- per cent respectively. We find from the records that such fixation has been made based on the materials available on record and neither the acquisition authority nor the requisitioning authority had any evidence to the contra.

3. It is also brought to our notice that in connected cases, such land value has been sustained. The land value fixed by the reference court at the rate of Rs. 850/- per cent for dry land and Rs. 750/- per cent for wet land in respect of a notification issued

in the year 1994, in the circumstances, cannot be held to be on the high side. We do not find any merit in the appeals and they are accordingly dismissed.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. NOs. 260, 289, 294 &
363 OF 2005

J U D G M E N T

29.10.2007